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9 UNITED STATES DISTRICT COURT  
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11 NORTHERN DISTRICT OF CALIFORNIA  
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13 SAN FRANCISCO DIVISION

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15 AMERICAN CIVIL LIBERTIES UNION  
16 FOUNDATION,

17 Plaintiff,

18 v.

19 DEPARTMENT OF JUSTICE and FEDERAL  
20 BUREAU OF INVESTIGATION,

21 Defendants.

22 Case No. 3:20-cv-09284-CRB

23 **STIPULATION AND [PROPOSED] ORDER  
24 REGARDING AUGUST RELEASE**

25 WHEREAS, on June 18, 2021, the parties filed a Case Management Conference Statement (ECF  
26 No. 25);

27 WHEREAS, in the Case Management Conference Statement, Defendant Federal Bureau of  
28 Investigation (“FBI”) reported that it had “identified approximately 70 pages responsive to Item 1. The  
FBI maintains that it is unable to provide page counts for Items 2-4 due to the sensitive investigative  
techniques involved” (*id.*);

29 WHEREAS, in the June 18, 2021 Case Management Conference Statement, FBI further noted that  
30 it “anticipates processing and releasing (subject to any withholdings) records responsive to Item 1 and  
31 records related to the publicly acknowledged contracts in Item 3 on or before August 31, 2021. However,  
32 if these record subsets involve more than 500 pages of responsive records, the FBI’s position is that it will

33 STIPULATION AND [PROPOSED] ORDER REGARDING AUGUST RELEASE

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1 process 500 pages of responsive records (again, subject to any withholdings) per month until complete”  
2 (*id.*);

3 WHEREAS, the Case Management Conference Statement also noted that the FBI “agreed to  
4 provide the ACLU with further information regarding the nature of all remaining responsive documents  
5 as well as its justification for its position on categorically withholding all remaining responsive records  
6 under Exemption 7(E) before the Case Management Conference before this Court on July 9, 2021 (*id.*);

7 WHEREAS, the Court issued an order on June 24, 2021 “adopt[ing] the case management  
8 schedule” proposed in the parties’ June 18, 2021 Case Management Conference Statement (ECF No. 26);

9 WHEREAS, on July 9, 2021, the FBI provided the ACLU with information described in the Case  
10 Management Conference Statement;

11 WHEREAS, the FBI has been processing the records but has not yet been able to isolate records  
12 related to publicly acknowledged contracts in Item 3;

13 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties as follows:

14 1. The FBI will release (subject to any withholdings) the approximately 70 pages of records  
15 responsive to Item 1 by September 9, 2021; and

16 2. The FBI will continue processing records related to publicly acknowledged contracts in  
17 Item 3, and will release those materials (subject to any withholdings) on or before  
18 September 30, 2021. However, if these record subsets involve more than 500 pages of  
19 responsive records, the FBI will process 500 pages of responsive records (subject to any  
20 withholdings) per month until complete.

21 Dated: August 31, 2021

STEPHANIE M. HINDS  
Acting United States Attorney

/s/ Jevechius D. Bernardoni\*  
Jevechius D. Bernardoni  
Assistant United States Attorney

25 Dated: August 31, 2021

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9 \*In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury  
10 that all other signatories have concurred in the filing of this document.

1 **[PROPOSED] ORDER**

2 Upon consideration of the parties' stipulation, and good cause appearing therefore, it is hereby  
3 ORDERED that the stipulation is hereby GRANTED.

4 IT IS SO ORDERED.

5 Dated: September 1, 2021



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7 THE HONORABLE CHARLES R. BREYER  
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